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Bombardier Inc. sentenced to pay damages - CANADIAN PILOT OF PAKISTANI ORIGIN WINS MAJOR DISCRIMINATION CASE

MONTREAL, Dec. 8, 2010 /CNW Telbec/ - The Commission des droits de la personne et des droits de la jeunesse has won an important ruling on behalf of a Canadian man of Pakistani origin who was denied pilot training under Canadian licence by Bombardier Inc. in 2004, because he had been identified as a "threat to aviation or national security" by U.S. authorities.

In a recent ruling, the Québec Human Rights Tribunal sentenced Bombardier Inc. to pay more than \$319,000 in material, moral and punitive damages to Javed Latif. The Tribunal found that he was a victim of discrimination based on his ethnic and national origin and that his right to the safeguard of his dignity was compromised.

Moreover, the court ordered Bombardier Inc. to stop applying or considering standards and decisions of American authorities relative to requests for pilot training under Canadian licences.

"The ruling by the Québec Human Rights Tribunal is without precedent," today said Gaétan Cousineau, president of the Commission des droits de la personne et des droits de la jeunesse. He added that this is the first ruling addressing the impact of post 9-11 U.S. security measures on Canadian territory.

It is the highest amount for punitive damages (\$50,000) ever awarded by the Tribunal. Judge Michèle Rivet said, in her ruling, that Bombardier Inc. never tried to find out whether Mr. Latif was an objective security risk for Canadians or aviation, nor "never thought it useful to seek advice from Transport Canada or the Canadian Security Intelligence Service." She also found that there was an intentional unlawful interference with the rights of Mr. Latif.

Evidence heard before the court established that the Bombardier centre in Montreal turned down Mr. Latif's request for training under a Canadian licence to fly a Challenger 604 because authorities in charge of air transport safety in the U.S. had denied him a similar request under an American licence in April 2004 "to protect U.S. national security."

The American decision to refuse him that training was related to the coming into force in December 2003, of new air safety legislation in the U.S. Mr. Latif had however obtained the permission to train to fly a Boeing in Miami in the fall of 2003. In the course of his 25-year career, Mr. Latif was trained under American licences and had flown regularly over U.S. airspace. The court also heard that, since 2008, American authorities no longer consider him to be a "threat to national security."

In his testimony, Mr. Latif said he was surprised to be denied training and initially thought that he was a victim of mistaken identity. Not only did he feel humiliated, but he quickly came to understand that he had become *persona non grata* in the aviation milieu after being denied training by Bombardier Inc. He also experienced financial problems as he no longer had access to the compulsory recurrent training required in order to continue working as a pilot.

During the hearing, the Head of Standard and Regulatory Compliance at the Bombardier centre stated that American authorities told him not to train Mr. Latif. He did not seek any explanation regarding their decision to deny him training in 2004. He considered them credible when they said that Mr. Latif was "a threat to aviation or to aviation safety", despite the fact that the centre in Montreal had provided him with many training sessions in the past.

According to the centre's Director, Mr. Latif was now considered a "potential terrorist" and therefore was turned down. He also said that, had he agreed to train him, there would have been "serious consequences for Bombardier Inc." which has a policy of complying with all applicable laws, regulations, directives, policies and decisions from all relevant American agencies. The Tribunal did not accept the arguments put forward by Bombardier Inc.

An expert witness, Professor Reem Anne Bahdi of the University of Windsor, told the court of the many security programs targeting Arabs and Muslims put in place by the U.S. in the wake of the 2001 terrorist attacks. These programs, she said, are based on stereotypes and racial profiling, and identify these groups as national security threats.

She also said that since there are no complaint or redress mechanisms, it is difficult for those targeted to correct mistakes when they are falsely labelled as a threat to national security, as the process is secret. She added that in 2007, more than 700,000 individuals had been labelled as "potential terrorists" by the U.S.

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